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January 29, 2019

**VIA FEDERAL EXPRESS OVERNIGHT AND ELECTRONIC MAIL**

Jill A. Eggleston  
Director, FOIA Operations  
United States Citizenship and Immigration Services  
National Records Center, FOIA/PA Office  
P.O. Box 648010  
Lee's Summit, MO 64064-8010

**RE: FOIA Request NRC2019002271**

Dear Ms. Eggleston,

I am *pro bono* counsel for Asian Americans Advancing Justice – Los Angeles (“AAAJ - LA”) in connection with its Freedom of Information Act (“FOIA”) request (NRC2019002271) for records regarding the implementation of United States Citizenship & Immigration Services (“USCIS”) Policy Memorandum 602-0050.1, which purports to implement a new policy regarding the issuance of Notices to Appear (“NTAs”). In your January 7, 2019 letter, USCIS acknowledged receipt of AAAJ-LA’s request on January 4, 2019 and offered AAAJ-LA the opportunity to narrow its FOIA request so that the request could be placed on a faster processing track. Although AAAJ-LA maintains its right under FOIA to request all of the documents in its original request, several of the documents are urgently needed to inform its clients, and the public, about the impact of the new NTA policy. AAAJ-LA therefore submits the following narrower set of documents which USCIS should prioritize for release:

- (1) All Policy Memoranda and Guidance relating to USCIS's policies and practices for referring cases and issuing NTAs in cases involving inadmissible and deportable aliens from 2000 to the present, corresponding to item (a)1 on AAAJ-LA's original request;
- (2) All Records related to the criteria USCIS will apply in deciding whether to issue NTAs to individuals whose applications for humanitarian-based visas have been denied, including for U (victims of serious crimes), T (human trafficking), VAWA (for victims of domestic violence), and Special Immigrant Juvenile Status applicants, corresponding to item (a)(2) on AAAJ-LA's original request;
- (3) All Records related to what criteria USCIS will apply in deciding whether to issue NTAs to individuals whose applications for family-based visas have been denied, including I-485 applicants, corresponding to item (a)(3) on AAAJ-LA's original request;
- (4) All Records related to the implementation of any NTA Policy Memoranda or Guidance, including without limitation, documents concerning or reflecting communications regarding the New NTA Policy, corresponding to item (a)(4) on AAAJ-LA's original request;
- (5) All Records distributed to the USCIS Field Offices and Processing Centers to train immigration officers and applicant adjudicators regarding the New NTA Policy, corresponding to item (a)(5) on AAAJ-LA's original request;
- (6) All Records relating to how USCIS and/or ICE officers will apply prosecutorial discretion to individuals subject to the New NTA Policy, including training materials for immigration officers, or any other personnel tasked with adjudicating USCIS applications, corresponding to item (a)(8) on AAAJ-LA's original request;
- (7) All Records reflecting any changes or updates made to any agency manual or administrative guidance after the issuance of the New NTA Policy, including but not limited to the USCIS Policy Manual, corresponding to item (a)(9) on AAAJ-LA's original request;
- (8) All Records, including any memoranda or other writing created by USCIS, discussing any cost and benefit analysis or feasibility study of the impact of the New NTA Policy, including the impact it would have on adjudication times of all outstanding applications, corresponding to item (a)(16) on AAAJ-LA's original request;
- (9) Any data and statistics available related to the issuance of NTAs, Referrals to ICE ("RTIs"), Requests for Evidence ("RFEs"), and NOIDs ("Notice of Intent to Deny") from 2000 to the Present, corresponding to section (b) on AAAJ-LA's original request.

The submission of this narrower set of documents represents a good-faith effort on the part of AAAJ-LA to work with the USCIS FOIA office in disseminating information that is crucial to the general public. This effort to accommodate USCIS' request for prioritization of certain requests in no way waives or amends AAAJ-LA's FOIA request dated December 21, 2018 (NRC2019002271). Additionally, we note that USCIS's response to the FOIA request remains February 15, 2019.

We appreciate your assistance in this request. If you have any questions or need additional information, please do not hesitate to call.

Very truly yours,

David S. Cohen

cc: AAAJ-LA